

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
KELLY LEWIS, individually and as proposed  
Administrator of the Estates of EMANUEL DEVINE  
SULLIVAN,

**ANSWER**

Case No.: 23-CV-7594

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.  
----- x

Defendant, City of New York, by its attorney, Muriel Goode-Trufant, Corporation  
Counsel of the City of New York (“Defendant”), in response to the Complaint, respectfully  
alleges as follows:

1. Denies the allegations set forth in paragraph “1” of the complaint, except admits that Plaintiff purports to describe the action.
2. Denies the allegations set forth in paragraph “2” of the complaint, except admits that Plaintiff purports to describe the action.
3. Denies the allegations set forth in paragraph “3” of the complaint, and respectfully refers the Court to the cited statute for the circumstances where fees and costs are authorized.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “4” of the complaint, except admits, on information and belief, that Plaintiff filed a Notice of Claim, and that the claim number is 2022PI024378.
5. Admits, on information and belief, the allegations set forth in paragraph “5” of the complaint.

6. Admits, on information and belief, the allegations set forth in paragraph “6” of the complaint.

7. Paragraph “7” of the complaint is a jury demand, to which no affirmative response is required.

8. Denies the allegations set forth in paragraph “8” of the complaint, and affirmatively states that Defendant does not contest venue in this district.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the complaint.

10. Denies the allegations set forth in paragraph “10” of the complaint, except admits that the City of New York is a municipal entity created under the laws of the State of New York, and that a city agency, the Department of Correction (“DOC”), operates the jails on Rikers Island.

11. Denies the allegations set forth in paragraph “11” of the complaint, and affirmatively states that the law of negligence is complex and nuanced, and the Court is respectfully referred to the underlying caselaw, including that relating to the ‘assumption of risk’ doctrine.

12. Denies the allegations set forth in paragraph “12” of the complaint, except admits that Sullivan was housed at AMKC, 6 Upper South, on May 28, 2022.

13. Admits the allegations set forth in paragraph “13” of the complaint, except denies that Plaintiff was locked in at 11:35 p.m.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “14” of the complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “15” of the complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “16” of the complaint.

17. Denies the allegations set forth in paragraph “17” of the complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “18” of the complaint.

19. Admits the allegations set forth in paragraph “19” of the complaint, except denies knowledge or information sufficient to form a belief as to the truth of the conclusory allegation that Sullivan “was, most likely, dead,” at the time.

20. Denies the allegations set forth in paragraph “20” of the complaint except admits the cause of death was an opioid overdose and that the decedent was 20 years old.

21. Denies the allegations set forth at paragraph “21” of the complaint.

22. In response to paragraph “22” of the complaint, Defendant repeats and realleges it's prior responses as if fully set forth herein.

23. Denies the allegations set forth at paragraph “23” of the complaint.

24. Denies the allegations set forth at paragraph “24” of the complaint.

25. Denies the allegations set forth in paragraph “25” of the complaint, and respectfully refers the Court to the cited news article for it's full text and import.

26. Denies the allegations set forth at paragraph “26” of the complaint.

27. Denies the allegations set forth in paragraph “27” of the complaint, and respectfully refers the Court to the cited Monitor report for it's full text and import.

28. Denies the allegations set forth in paragraph “28” of the complaint, and respectfully refers the Court to the cited Monitor report for its full text and import.

29. Denies the allegations set forth at paragraph “29” of the complaint.

30. Denies the allegations set forth in the paragraph “30” of the complaint, and respectfully refers the Court to the cited Attorney General Report for its full text and import.

31. Denies the allegations set forth in paragraph “31” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

32. Denies the allegations set forth in paragraph “32” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

33. Denies the allegations set forth at paragraph “33” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

34. Denies the allegations set forth in paragraph “34” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

35. Denies the allegations set forth in paragraph “35” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

36. Denies the allegations set forth in paragraph “36” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

37. Denies the allegations set forth in paragraph “37” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

38. Denies the allegations set forth in paragraph “38” of the complaint, and respectfully refers the Court to the cited media report for its full text and import.

39. Denies the allegations set forth at paragraph “39” of the complaint.

40. Denies the allegations set forth at paragraph “40” of the complaint.

41. In response to paragraph “41” of the complaint, Defendant repeats and realleges it's prior responses as if fully set forth herein.

42. Denies the allegations set forth at paragraph “42” of the complaint.

43. Admits the allegations set forth at paragraph “43” of the complaint.

44. Denies the allegations set forth at paragraph “44” of the complaint.

45. Denies the allegations set forth at paragraph “45” of the complaint.

46. Denies the allegations set forth at paragraph “46” of the complaint.

47. Denies the allegations set forth at paragraph “47” of the complaint.

48. In response to paragraph “48” of the complaint, Defendant repeats and realleges it's prior responses as it fully set forth herein.

49. Denies the allegations set forth at paragraph “49” of the complaint.

50. Denies the allegations set forth at paragraph “50” of the complaint.

51. Denies the allegations set forth at paragraph “51” of the complaint.

52. Denies the allegations set forth at paragraph “52” of the complaint.

53. Denies the allegations set forth at paragraph “53” of the complaint.

#### **FIRST AFFIRMATIVE DEFENSE**

54. Plaintiff lacks standing to bring this action.

#### **SECOND AFFIRMATIVE DEFENSE**

55. Defendant has not violated any rights, privileges, or immunities under the United States Constitution or any other laws of the United States or the State of New York or any related political subdivision.

#### **THIRD AFFIRMATIVE DEFENSE**

56. At all times relevant to the acts alleged in the Complaint, Defendant acted reasonably, properly, lawfully, and in good faith.

**FOURTH AFFIRMATIVE DEFENSE**

57. Plaintiffs fail to state a claim for Municipal Liability under the requirements of *Monell v. Dep't of Soc. Serv.*, 436 U.S. 658 (1978).

**FIFTH AFFIRMATIVE DEFENSE**

58. The City is not liable for punitive damages.

Dated: New York, New York  
March 20, 2025

MURIEL GOODE-TRUFANT  
Corporation Counsel of the  
City of New York  
Attorney for Defendant  
100 Church Street, Room 2-174  
New York, New York 10007  
(212) 356-2086  
corsland@law.nyc.gov

By: 

Chlarens Orsland  
Assistant Corporation Counsel

TO: RICKNER, PLLC  
*Attorney for Plaintiff*  
14 Wall Street, Suite 1603  
New York, NY 10005  
(212) 300-6506